

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 2, 6, 10, 52, 58, 62, 71, and 73 are requested to be canceled. Claims 13-37, 39, 45, 48, 65, 66, 69, and 75 were previously canceled. Claims 1, 7, 9, 47, 59, 61, 68, 72, 74, 76, and 77 are currently amended. Amendments to Claims 1, 9, 47, 61, 68, 72, and 77 incorporate features of previously presented claims 2, 6, 10, 52, 58, 62, 71, and 73 (now canceled). Amendments to dependent Claims 7, 59, 74, and 76 were necessitated based upon amendments to respective independent claims. Applicant submits that no new matter has been added. After amending the claims as set forth above, Claims 1, 3-5, 7-9, 11, 12, 38, 40-44, 46, 47, 49-51, 53-57, 59-61, 63, 64, 67, 68, 70, 72, 74, 76, and 77 are now pending in this application.

I. Entry of Amendments

Applicants respectfully request these amendments be entered despite the finality of the rejection because they place the claims in condition for allowance.

II. Interview Summary

Applicant thanks the Examiner for the courtesy extended during the Examiner Interview which took place with Applicant's representative on October 20, 2010. During the Interview, the above amendments were discussed. No agreement as to the allowability of the claims was reached.

III. Claim Rejections Under 35 U.S.C. § 103(a)

A. Claims 9-11, 61, 72, 46, 62, 63, 67, 73, and 76

On page 3 of the Office Action, Claims 9-11, 61, 72, 46, 62, 63, 67, 73, and 76 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,421,527 to DeMartin (hereinafter "DeMartin") in view of U.S. Patent No. 6,067,289 to Mueller (hereinafter

“Mueller”). Independent Claims 9, 61, and 72 have been amended rendering this rejection moot. Applicant respectfully submits that DeMartin in view of Mueller fails to disclose, teach, or suggest at least one element of amendment Claims 9, 61, and 72.

Independent Claims 9, 61, and 72 have been amended to include features that were previously presented in Claims 62, 71, and 73 (now canceled). In addition, Claims 9, 61, and 72 have been amended to include features of now canceled Claim 6. On page 19 of the Office Action, the Examiner notes that Claim 6 “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” Amended independent Claim 9 recites in part:

locating error check bits associated with a first transport channel of the plurality of transport channels, wherein the plurality of transport channels comprise a set of class A bits associated with the first transport channel and a set of class B bits associated with a second transport channel, wherein at least a portion of the class A bits comprises a set of cyclic redundancy check bits associated with a cyclic redundancy check, and wherein the generic TRAU frame includes, in sequence, the set of class A bits, including the set of cyclic redundancy check bits, and the set of class B bits;

error checking the first transport channel based on the located error check bits;

Independent Claims 61 and 72, although of different scope, contain similar elements. Applicant submits that Claim 9 includes features similar to those of Claim 6 and any intervening claims, and is thus allowable over cited art as acknowledged by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 9-11, 61, 72, 46, 62, 63, 67, 73, and 76.

B. Claims 1-4, 7-8, 38, 42, 47, 49-54, 57, 59-60, 68, 70-71, and 77

On page 7 of the Office Action, Claims 1-4, 7-8, 38, 42, 47, 49-54, 57, 59-60, 68, 70-71, and 77 are rejected over DeMartin in view of U.S. Patent Application Publication No.

2002/0003783 to Niemela (hereinafter “Niemela”) in view of Mueller. Independent Claims 1, 47, 68, and 77 have been amended rendering this rejection moot. Applicant asserts that DeMartin in view of Niemela and Mueller fail to teach, suggest, or disclose at least one element of amended Claims 1, 47, 68, and 77.

Independent Claims 1, 47, 68, and 77 have been amended to include features that were previously presented in Claims 2, 6, 52, and 71(now canceled). On page 19 of the Office Action, the Examiner notes that Claim 6 “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.”

Amended independent Claim 1 recites in part:

determining if error checking is required for one or more of the at least two transport channels, wherein the at least two transport channels comprise a set of class A bits associated with a first transport channel and a set of class B bits associated with a second transport channel;

computing error check bits for each transport channel that requires error checking, wherein at least a portion of the class A bits comprises a set of error check bits associated with a cyclic redundancy check;

determining a priority for each set of bits associated with each transport channel via the TRAU;

inserting into a generic TRAU frame, via the TRAU, each set of bits according to the determined priority of each set of bits, wherein the generic TRAU frame is adaptable for use with different codecs; and

inserting into the generic TRAU frame the computed error check bits associated with each transport channel that requires error checking, wherein the generic TRAU frame includes, in sequence, the set of class A bits, including the set of error check bits associated with the cyclic redundancy check, and the set of class B bits.

(Emphasis added).

Independent Claims 47, 68, and 77, although of different scope, contain similar elements. Applicant submits that Claim 1 has incorporated the features of previously presented Claim 6 and any intervening claims, and is thus allowable over cited art as acknowledged by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 1-4, 7-8, 38, 42, 47, 49-54, 57, 59-60, 68, 70-71, and 77.

C. Claims 5, 55 and 56

On page 15 of the Office Action, Claims 5, 55 and 56 are rejected over DeMartin and Niemela and Mueller further in view of U.S. Patent No. 6,636,497 to Honkasalo (hereinafter "Honkasalo"). Applicant respectfully traverses the rejection.

Claims 5, 55, and 56 depend from claims which have been amended to incorporate the features of now canceled claim 6, and is thus allowable over cited art as acknowledged by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 5, 55, and 56.

D. Claim 43

On page 16 of the Office Action, Claim 43 is rejected over DeMartin and Niemela and Mueller further in view of U.S. Publication No. 2003/0133494 to Bender (hereinafter "Bender"). Applicant respectfully traverses the rejection.

Claim 43 depends from a claim which has been amended to incorporate the features of now canceled claim 6, and is thus allowable over cited art as acknowledged by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the rejection of Claim 43.

E. Claims 12 and 64

On page 17 of the Office Action, Claims 12 and 64 are rejected over DeMartin in view of Mueller and further in view of Honkasalo. Applicant respectfully traverses the rejection.

Claims 12 and 64 depend from claims which have been amended to incorporate the features of now canceled claim 6, and is thus allowable over cited art as acknowledged by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 12 and 64.

F. Claims 44 and 74

On page 18 of the Office Action, Claims 44 and 74 are rejected over DeMartin and Mueller further in view of Niemela. Applicant respectfully traverses the rejection.

Claims 44 and 74 depend from claims which have been amended to incorporate the features of now canceled claim 6, and is thus allowable over cited art as acknowledged by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 44 and 74.

IV. Allowable Subject Matter

On page 19 of the Office Action, Claims 6, 41, and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for noting the allowability of these claims. While the Applicant respectfully disagrees with the Examiner, Applicant has amended all independent claims, solely to further prosecution, with the features of Claims 6 and 58 and any intervening claims.

* * * * *

Applicant believes that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

By 

Paul S. Hunter
Attorney for Applicant
Registration No. 44,787

Date November 4, 2010

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4292
Facsimile: (608) 258-4258